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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 CORNELIO RAMIREZ, JR.,
14 Defendant.

2:14-cr-00044-JAD-GWF

MOTION FOR VIDEO APPEARANCE
IN LIEU OF PERSONAL APPEARANCE
FOR ARRAIGNMENT AND PLEA, OR
ORDER DIRECTING PAYMENT OF
TRANSPORTATION EXPENSES
(Expedited Treatment Requested)

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17 COMES NOW the defendant, CORNELIO RAMIREZ, JR., by and through counsel,
18 RACHEL M. KORENBLAT, Assistant Federal Public Defender, and moves this Honorable Court
19 for an order allowing Mr. Ramirez, who lives in Somerton, Arizona, to appear by video conference
20 arranged through the District Court of Arizona in Yuma, Arizona, if logistically possible.
21 Alternatively, Mr. Ramirez requests the Court enter an order directing the United States Marshal to
22 pay subsistence and travel expenses necessary for him to drive to Las Vegas, Nevada from his
23 current residence, a distance of approximately 300 miles, on or before Thursday, February 20, 2014,
24 at 3:00 p.m., to appear in Court in the above-entitled matter for the purpose of his Arraignment and
25 Plea (A&P). The government does not oppose Mr. Ramirez's request for a video appearance in lieu
26 of a personal appearance for his A&P.

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1 DATED this 14th day of February 2014.

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3 RENE L. VALLADARES
Federal Public Defender

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5 By: /s/ Rachel M. Korenblat
RACHEL M. KORENBLAT
6 Assistant Federal Public Defender
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MEMORANDUM OF POINTS AND AUTHORITIES

On January 29, 2014, Mr. Ramirez had his initial appearance on a complaint alleging Possession of a Controlled Substance with Intent to Distribute, a violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). (CR # 1, 4.) The magistrate court released Mr. Ramirez, who lives in Somerton, Arizona, on a personal recognizance bond. (CR # 4.) Thereafter, the grand jury filed an indictment charging him with the same violation. Mr. Ramirez's A&P for the indictment is currently scheduled for February 20, 2014 at 3:00 p.m. (CR # 19.) Because of the distance from his home in Somerton, Mr. Ramirez respectfully seeks a court order allowing him to appear via video conference from the District Court in Yuma, Arizona if that is logistically possible. Government counsel does not oppose this request.

In the alternative, Mr. Ramirez seeks reimbursement from the United States Marshals for his travel to Las Vegas for this appearance. Upon the motion of the defendant, 18 U.S.C. § 4285 provides that any United States judge or magistrate may direct the United States Marshal to arrange for the payment of the subsistence and travel expenses of a defendant who has been released on bail and who is obligated to make a subsequent appearance in any United States court when the interests of justice would be served thereby and the court is satisfied that the defendant is financially unable to provide the necessary transportation to appear.

Defendant has informed his counsel that he is indigent. Because of his lack of funds, the defendant will be unable to travel from his residence to Las Vegas, Nevada unless this Court directs the United States Marshal to pay his necessary travel and subsistence expenses. It has been determined that the defendant qualifies for the appointment of counsel pursuant to 18 U.S.C. § 3006A.

DATED this 14th day of February 2014.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

By /s/ Rachel M. Korenblat
RACHEL M. KORENBLAT
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORNELIO RAMIREZ, JR.,

Defendant.

2:14-cr-00044-JAD-GWF

**ORDER DIRECTING VIDEO
APPEARANCE IN LIEU OF PERSONAL
APPEARANCE FOR ARRAIGNMENT &
PLEA**

On the motion of defendant Cornelio Ramirez, and good cause appearing therefore,

IT IS HEREBY ORDERED that Mr. Ramirez may appear for his Arraignment and Plea, currently scheduled for February 20, 2014 at 3:00 p.m., by video appearance in lieu of personal appearance.

DATED this 20th day of February 2014.


UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

2:14-cr-00044-JAD-GWF

Plaintiff,

**ORDER DIRECTING PAYMENT OF
TRANSPORTATION EXPENSES**

vs.

CORNELIO RAMIREZ, JR.,

Defendant.

On the motion of defendant Cornelio Ramirez, made pursuant to 18 U.S.C. §4285, and good cause appearing therefore,

IT IS HEREBY ORDERED that the United States Marshal shall arrange for the defendant's non-custodial transportation, or furnish reimbursement for the mileage expense, up to the cost of commercial air travel fare or gas mileage for such transportation, to Las Vegas Nevada on or before Thursday, February 20, 2014 at 3:00 p.m., to appear in court in the above-entitled matter for the purpose of his Arraignment and Plea. The reimbursement shall be made in the form of cash, United States Money Order, or cashier's check.

IT IS FURTHER ORDERED that the United States Marshal shall furnish the defendant with an amount of money for necessary subsistence expenses while en route to his destination, not to exceed the amount authorized as a per diem allowance for travel expenses under 5 U.S.C. §5702(a).

DATED this ____ day of February 2014.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on February 14, 2014, she served an electronic copy of the above and foregoing **MOTION FOR VIDEO APPEARANCE IN LIEU OF PERSONAL APPEARANCE FOR ARRAIGNMENT AND PLEA, OR ORDER DIRECTING PAYMENT OF TRANSPORTATION EXPENSES (Expedited Treatment Requested)** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
AMBER CRAIG
Assistant United States Attorney
333 Las Vegas Blvd. So. 5th Floor
Las Vegas, NV 89101

/s/ Karen Meyer
Employee of the Federal Public Defender